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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,328

04/22/2005

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450100-04798

1689

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12/14/2007

EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

12/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/532,328

Applicant(s)

IMAI ET AL.

Examiner

Rochelle Blackman

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/22/05 & 9/28/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- are rejected under 35 U.S.C. 102(b) as being anticipated by Nomura et al. (U.S. Patent No. 6,456,445).

Regarding claim 1, Nomura discloses a collapsible optical unit (see Figs. 1-19) comprising: a rear barrel (see 10(F) of Fig. 1); a fixed barrel (see 11(F) of Fig. 1) attached to the rear barrel; at least one lens barrel (see 13, 16 and/or 17 of Fig. 1) supporting a first group lens frame (see 22 of Fig. 1) and movable along the direction of an optical axis of the optical unit with respect to the fixed barrel and image-pickup means (see 12a of Fig. 2) provided behind said lens barrel; and position-detecting means (14, 15 of Figs. 1 and 2) attached to the rear barrel and provided in said lens barrel within said fixed barrel for detecting a position of the lens barrel.

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Regarding claim 2, Nomura discloses an optical unit according to claim 1, wherein said position-detecting means includes a fin-shaped projection (see shape of 15 in Fig. 1) attached to one of said rear barrel and said movable lens barrel and a photo-sensor (see 14 of Figs. 1) provided in the other attached to the remaining of said rear barrel and said movable lens barrel.

Regarding claim 3, Nomura discloses an optical unit according to claim 1, wherein said one lens barrel is a straight-forward guide ring (see 16 of Figs. 1 and 2) including a second group lens frame movable (see 23 of Figs. 1 and 2) along the direction of the optical axis, and said position-detecting means detects a position of said second group lens frame.

Regarding claim 4, Nomura discloses an optical unit according to claim 3, wherein said second group lens frame is a zoom lens capable of setting a zoom range by changing a position in said optical axis direction, and said position-detecting means detects the zoom range of said lens (see col. 4, line 66 to col. 5, line 18 and col. 5, lines 51 to col. 6, line 19).

Regarding claim 5, Nomura discloses an optical unit according to claim 4, further comprising: moving means (see function of 17 and 18 in Figs. 3, 8, and 9 and for example, see col. 8, lines 35-62, col. 12, lines 18-42, and see col. 5, lines 51 to col. 6, line 19) for moving said zoom lens toward a telephoto position when the zoom lens is between a collapsed position and said telephoto position, wherein a position of said second group lens frame is detected by said position-detecting means between said collapsed position and a wide position, and a position of said second group lens frame

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is not detected by the position-detecting means between the wide position and the telephoto position.

Claim 6 is rejected for the same reasons as claim 1.

Regarding claim 7, Nomura discloses the image-pickup apparatus of claim 6, wherein the image-pick-up apparatus is a digital still camera (see col. 4, lines 53-55).

Regarding claim 8, Nomura discloses the image-pickup apparatus of claim 6, wherein the image-pick-up apparatus is a digital video camera (see col. 4, lines 53-55).

Regarding claim 9, Nomura discloses the collapsible optical unit of claim 3, comprising: a third group lens frame (see L3 of Fig. 2) attached to the rear barrel, wherein the position-detecting means includes a fin-shaped projection (see shape of 15 in Fig. 1) attached to the movable lens barrel and projecting towards the rear barrel and a photo-sensor (see 14 of Figs. 1) attached to the rear barrel at a position to detect the second group lens frame immediately before coming in contact with the third group lens frame.

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### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RB

  
ROCHELLE BLACKMAN  
PRIMARY EXAMINER